

FILED

NOV 03 2021

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

Clerk, U. S. District Court  
Eastern District of Tennessee  
At Knoxville

UNITED STATES OF AMERICA

v.

ELVIN LANDIS WITHERSPOON

)  
) CASE NO. 3:21-CR- 141  
)  
) JUDGES Varlan / Poplin  
)

**INDICTMENT**

**COUNT ONE**

The Grand Jury charges that, on or about July 10, 2020, within the Eastern District of Tennessee, the defendant, ELVIN LANDIS WITHERSPOON, knowing that he had previously been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess a firearm and ammunition, the firearm and ammunition having been transported in interstate or foreign commerce, all in violation of Title 18, United States Code, Section 922(g)(1).

**FORFEITURE ALLEGATION**

1. The allegation contained in Count One of this Indictment is hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offense in violation of Title 18, United States Code, Section 922(g)(1), as set forth in this Indictment, the defendant, ELVIN LANDIS WITHERSPOON, shall forfeit to the United States pursuant to Title 18, United States Code,

Section 924(d)(1), and Title 28, United States Code, Section 2461(c), any firearms and ammunition involved in the commission of the offense, including, but not limited to:

- (a) Taurus 9mm Model G2S pistol;
- (b) 15 rounds of 9mm ammunition; and
- (c) Two (2) 9mm ammunition magazines.

3. If any of the properties described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

A TRUE BILL:

**SIGNATURE REDACTED**

GRAND JURY FOREPERSON

FRANCIS M. HAMILTON III  
ACTING UNITED STATES ATTORNEY

  
LATOIYA T. CARPENTER  
Assistant United States Attorney